

The idea of judicial revision would seem unnecessary within the flexibility and latitude allowed by functional divisions and the power of the legislature to prescribe jurisdiction.

The recommended four-tier structure, with the possibility of the legislature increasing the number of judges in the intervening Court of Appeals, obviously contemplates that the appellate jurisdiction and possibly the original jurisdiction of that court might be expanded as the circumstances require.

Our recommendation does fix the number of the judges in the highest court at seven as it is now and contemplates that the purpose of that court will be appellate only.

We did after considerable consideration decide, as I indicated previously, to retain the name of Court of Appeals. In some measure that was motivated by sentiment, to a greater extent I think it was motivated by the desire of the Committee and lawyers and judges of Maryland to retain the fine history and tradition of that court. It has enjoyed an enviable reputation throughout the country, and to perpetuate that reputation and allow the State to enjoy the tremendous prestige from prior decisions in the work of that court can best be preserved in the majority view of the committee by retaining the name Court of Appeals as the name for the highest court for the State of Maryland.

We did with some reluctance abandon the name of circuit courts but improvement required that it be abandoned in place of superior or trial courts because under the concept recommended by your Committee, circuit courts or trial court is actually a misnomer.

Again may I ask you to make full use of the rather comprehensive memorandum we have filed in support of our recommendation. We feel there are facts and supporting data there to convince you, we hope, of the wisdom of the Committee's Recommendation having to do with court structure.

We feel that the suggestion of the Committee in its recommendation for this four-tier system and the corresponding obligation of the State to take over full financial burden for the administration of justice is an improvement and a necessary one in order to provide the uniformity and facilities that the administration of justice requires in a great State like Maryland.

As some of you may know, the situation

as to financial responsibility under the present system is somewhat chaotic. There are jurisdictions, so our Committee was told, where the problem today in not being able to keep up with the case load is not lack of manpower but lack of facilities. If the political subdivision is financially unable or is for some reason unwilling to provide necessary facilities to allow proper administration of justice, then the legislature in its wisdom in providing additional judges of course cannot do the full job and, therefore, it seems imperative that the State recognize as its full and complete financial responsibility the matter of the proper administration of justice in this State.

Also, I should say that the Committee had before it several delegate proposals suggesting specialty courts, or courts other than those created in the four-tier system recommended by the Committee.

We would like to assure you that we are not unsympathetic with the need for specialty courts perhaps at some jurisdiction at the moment and perhaps to a greater extent in the foreseeable future. We feel, however, that the allowance for functional division should be entirely adequate and sufficiently flexible within rule-making power of the Court of Appeals to provide the facility and the manpower necessary to accommodate the needs of any particular jurisdiction in the matter of a specialty court. Suggestions brought before the Committee were for tax court, court of claims, housing court, family court, and specialty courts of such jurisdiction.

Obviously there is at the moment in some limited areas a need to accommodate the specialties in those areas. However, as a mandate in the constitution, provision for those courts needed only in certain areas, perhaps only temporarily, would in the view of the majority be an unnecessary constitutional provision. We are confident that the wide latitude allowed in the matter of creating functional divisions can accommodate the need for such specialty courts.

In the matter of the district courts, there was considerable discussion in our Committee and testimony to support the need for a district court in every county. Our Committee was requested by several persuasive witnesses to make provision in the constitution for a district court in every county. On the contrary, there was testimony equally as persuasive that in some areas of the State the apparent need did not exist for a district court in every county. We have adopted the provisions of